

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4973 OF 2017

Sachin V. Balan & Ors.Petitioners
V/s.
The State of Maharashtra & Anr.Respondents

Mr. Nihar S. Ghag, Advocate for Petitioners.
Mr. A.R.Kapadnis, APP for the Respondent-State.
Ms. Beerta H. Bajwal i/by Lalla & Lalla, Advocate for Respondent No.2.

**CORAM :- RANJEET MORE &
SANDEEP K. SHINDE, JJ.**

DATE :- 7TH DECEMBER, 2017.

RC. :-

Heard learned counsel for Petitioners, Respondent No.2
and the learned APP for the State.

2 This Petition is filed for quashing and setting aside of the proceedings of the criminal case bearing No.1554/PW/2014 pending on the file of the learned Metropolitan Magistrate's Railway Mobile Court, Andheri. The said case arises out of registration of the FIR bearing No.153 of 2014 at the instance of the Respondent No.2 for the offences punishable under Sections 498A, 406, 506(II), 323, 504, 377, 354 read with Section 34 of the IPC. The Petitioner No.1

and the Respondent No.2 are husband and wife. Rest of the Petitioners are relatives of the Petitioner No.1. Matrimonial disputes between them gave rise to the filing of civil as well as criminal cases. The subject criminal case is one of them. Pending trial, parties settled their disputes amicably and entered into Consent Terms dated 29.11.2017. Copy of which is annexed at Page 44 of this Petition.

3 In terms of the understanding arrived at between them in the said Consent Terms, parties have approached this Court for quashing and setting aside of the subject criminal case by consent.

4 Respondent No.2, accordingly, has filed affidavit dated 29.11.2017. In paragraph 3, she has given no objection to quash and set aside the proceedings of the subject criminal case. Respondent No.2 is personally present in the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has understood the contents thereof. She has further confirmed that that she is giving no objection for quashing the subject criminal case out of free will and without there being any pressure or coercion.

5 It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the complaint, makes it clear

that the allegations are totally personal in nature. In these circumstances and especially in view of the law laid down by the Apex Court in the case of *B.S.Joshi versus State of Haryana AIR. 2003 SC 1386,* we are of the view that quashing of the subject criminal case would be in the interest of respondent No.2. Besides, no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the subject criminal case is required to be quashed. The petition is, accordingly, made absolute in terms of prayer clause (A) and is disposed of as such.

(SANDEEP K. SHINDE, J.)

(RANJEET MORE, J.)